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Special Political and Decolonization Committee (Fourth Committee)
Agenda item 31
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Letter dated 1 October 2009 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

In light of the recent sixtieth anniversary of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), I wish to draw your attention to the fact that Israel, a concerned party, was barred from speaking at the high-level event to mark the anniversary on 24 September 2009. While Israel's inclusion at the high-level event was supported by a vast majority of the event's steering committee, including UNRWA itself and many States, this consensus was broken by a clear political agenda of two member States of the committee, as well as an Observer Mission.

The politicized use of procedure is unfortunate. In light of this impediment, however, I am enclosing the intervention Israel would have delivered on the occasion of the high-level event (see annex).

While protesting the outcome of the steering committee's decision, and questioning the legality of barring a Member State, as a concerned party, from speaking, I would kindly request that this letter, as well as the enclosed undelivered remarks, be circulated as an official document of the General Assembly under agenda item 31.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

09-55597 (E) 141009

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Annex to the letter dated 1 October 2009 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

In marking the sixtieth year of UNRWA's activity, we are cognizant of the fact that today's event is at once both commemorative and prospective. As Commissioner-General Abu-Zayd has reflected, while the occasion serves for solemn reflection, it too offers an opportune moment to consider what can best be done to bring closer to realization the vision of peaceful coexistence between Israelis and Palestinians.

I must begin by commending UNRWA for its long-standing dedication to the goal of extending vital humanitarian assistance to Palestinian refugees. Subject to political forces largely beyond their own control, Palestinian refugees have benefited greatly from UNRWA's humanitarian activities. The contribution of these activities to improving the lives of so many needy people is both laudable and indisputable.

Explicitly underscored in the 1967 Comay-Michelmore exchange of letters between Israel and UNRWA, Israel's support for UNRWA's humanitarian activities continues unabated. So too does its commitment to facilitating UNRWA's operations in the field, subject to the upholding of its own security.

Notwithstanding the above, there have been instances throughout UNRWA's history, including recently in which its officials have exceeded the Agency's humanitarian mission, by expressing themselves on matters of a political nature. Such examples of politicization ultimately do a disservice to UNRWA's own humanitarian goals, by drawing controversy to its activities and by undermining confidence in the Agency's neutrality. As Israel has reiterated time and again, UNRWA would do well to focus its energies on its humanitarian tasks, leaving the realm of politics to others.

Looking towards the future, it is the shared goal of Israel, as of all interested parties, to resolve the problem of the Palestinian refugees. As a permanent status issue, the problem, in all of its complexity, ultimately will be deliberated upon in the context of bilateral political negotiations.

Nonetheless, there are many tangible steps which can be carried out in parallel with the political track. The goal of strengthening Palestinian state institutions and enhancing administrative capacity will no doubt be instrumental in creating conditions for a successful political process. Significant advances in Palestinian security capabilities in the West Bank, coupled with a dramatic reduction in Israel's security measures, underscored recently by additional roadblock removals, have already done much to promote economic growth and instil an atmosphere conducive to engaging in fruitful political talks. Expanding this process of Palestinian self-reliance to the domains of social service provision holds the promise of reinforcing this positive trend, and of giving it renewed impetus. As a significant provider of social services to Palestinians in the West Bank, UNRWA could serve a key role in this respect.

The daily fabric of life for both Palestinians and Israelis has been sidelined for too long by political deadlock. The time is ripe for creative thinking to explore ways

of advancing the peace process, both at the political level and on the ground. There is no doubt that such a parallel approach can do much to advance the cause of peace.

It is this vision of peace which must guide us in our practical search for ways to advance the political process. Bold visions, if they are to be realized, require bold and imaginative policies. Let us hope that our shared vision of a peaceful future for both Palestinians and Israelis will ensure that this sixtieth commemorative year will usher in a new phase of tolerance, mutual understanding, common dignity and peace.

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Agenda item 33
Comprehensive review of the whole question of peacekeeping operations in all their aspects

Letter dated 21 October 2009 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

On behalf of my delegation, I have the honour to transmit herewith the explanatory note on the Ukrainian initiative concerning the expansion of the rights of the competent authorities of troop-contributing countries during inquiries of any acts of crimes committed against the life and health of peacekeepers of their national contingents (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 33, and as a working document of the Special Committee on Peacekeeping Operations during its 2010 substantive session.

(*Signed*) Yuriy **Sergeyev**
Ambassador
Permanent Representative

09-57505 (E) 261009

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Annex to the letter dated 21 October 2009 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General

The General Assembly, in its relevant resolutions, in particular 63/280, has continuously stressed the need for the United Nations to further improve its capacity in the field of peacekeeping and to enhance the effective and efficient deployment as well as functioning of its peacekeeping operations.

Unfortunately, recent years have seen an increase in the number of deaths and injuries resulting from deliberate attacks against the personnel of United Nations peacekeeping missions. According to the Secretary-General, the death toll among Blue Helmets has reached more than 2,500. This figure comprises civilian and military personnel of United Nations peacekeeping missions who have made the ultimate sacrifice since 1948, including Ukrainian Ihor Kinal, killed on 17 March 2008 while serving in the United Nations Mission in Kosovo (UNMIK).

Crimes against the life and health of peacekeepers fall within the category of the most serious war crimes under international law, in particular under Article 8 of the Rome Statute of the International Criminal Court, which obliges Member States to prosecute perpetrators and to ensure that those persons are held criminally accountable. Therefore, there is a pressing need for the adoption of appropriate and effective measures aimed at preventing attacks against United Nations peacekeeping personnel and bringing perpetrators to responsibility.

According to international law, both the host country of a peacekeeping operation and the troop-contributing country can claim jurisdiction over crimes against United Nations peacekeepers. At the same time, the legal basis for the involvement of troop-contributing countries in investigations of such crimes remains to be clarified. The Memorandum of Understanding and Model Status of Forces Agreement or other relevant United Nations documents do not fully cover this issue.

The General Assembly, in its resolution 63/280, decided that the Special Committee on Peacekeeping Operations, in accordance with its mandate, should review the implementation of its previous proposals and consider any new proposals so as to enhance the capacity of the United Nations to fulfil its responsibilities in the field of peacekeeping.

Ukraine invites the Special Committee on Peacekeeping Operations to consider at its forthcoming session the issue of expanding the rights of the competent authorities of troop-contributing countries in the process of investigation of crimes committed against the life and health of their nationals serving in peacekeeping operations. Among other aspects to be examined, there is a need to specify the United Nations rules relating to the conduct of or participation in those investigations, including on the ground, of the national investigation officers of troop-contributing countries.